

MANSFIELD TOWNSHIP COMMITTEE MEETING

April 9, 2014

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Clancy made a motion to approve the minutes from the regular meeting held on March 26, 2014, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher

Nays: None

Absent: None

Abstain: Mayor Tomaszewski

BILL LIST:

Mr. Watters made a motion to approve the bill list with the addendum, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Pandos had nothing to report.

CLERKS REPORT:

Ms. Hrebenak stated that she received a raffle license for St. Theodores Church for a 50 50 raffle and that all items are in order.

Mr. Watters made a motion to approve the raffle license for St. Theodore's Church, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ENGINEERS REPORT:

Mr. DiSessa stated that there was a meeting with the homeowners in Diamond Hill and the work will be starting next

week.

Mr. DiSessa stated that there was a water main break on Parkview Drive and that there was damage done to the road and he would be meeting with HMUA to discuss this.

RESOLUTION:

RESOLUTION # 2014 -59
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Mr. & Mrs. Heath paid via credit card on March 24, 2014 the amount of \$ 80.00 for Football Registration with the Township of Mansfield, County of Warren,

WHEREAS, Football registration for 1 child is \$ 75.00,

NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 5.00 to Mr. & Mrs. Heath.

Mr. Watters made a motion to approve the passage of Resolution 2014-59, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2014-60
Return of Premium

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been foreclosed within five (5) years of the tax sale, and a premium of \$3,100.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 9th day of April, 2014 that the \$3,100.00 premium is to be returned to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #
PCIREO-12, LLC 1000 Haddonfield-Berlin Rd Suite 203 Voorhees, NJ 08043	Block 1603 Lot 20	2010-9

Mr. Watters made a motion to approve the passage of Resolution 2014-60, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None
Abstain: None

RESOLUTION # 2014 -61
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Mrs. Lynda Iacampo paid via credit card \$ 65.00 on October 9, 2013 for basketball registration with the Township of Mansfield, County of Warren,
WHEREAS, her child did not participate in basketball and a refund cannot be issued against her credit card due to the length of time between when payment was made and the refund request,
NOW THEREFORE BE IT RESOLVED, that the Finance Office be authorized to refund the amount of \$ 65.00 to Mrs. Lynda Iacampo.

Mr. Misertino made a motion to approve the passage of Resolution 2014-61, which was seconded by Mrs. Kocher.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION # 2014-62
OVERPAYMENT OF TAXES
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, the following properties have an overpayment of 2012 and 2013 property taxes;
WHEREAS, any overpayment in excess of \$5.00 must be refunded;
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 9th day of April 2014 that the Tax Collector and Finance Department are hereby authorized to refund the following overpayments:

<u>Block</u>	<u>Lot</u>	<u>Quarter</u>	<u>Owner</u>	<u>Amount</u>
1201	20.02	2 nd	William & Elaine Hardy	\$ 3,323.76
1204.02	15	1 st	Scott & Eileen Cummings	\$ 2,690.52
0804.02	19.01	1 st	Linda Quinn	\$ 2,254.53

Mr. Watters made a motion to approve the passage of Resolution 2014-62, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2014-63
Older Americans Month

Whereas, the Township of Mansfield is committed to helping all residents live longer, healthier lives; and
Whereas, the older residents of the Township of Mansfield have made countless contributions and sacrifices to ensure a better life for our future generations; and
Whereas, injury prevention, safety awareness, and health promotion are vital in helping our older residents remain

healthy and active throughout their lives; and

Whereas, the Township of Mansfield encourages and supports all efforts that help our older residents take control of their health safety and wellbeing.

Now therefore, the Township of Mansfield does hereby proclaim May 2014 to be Older Americans Month in the Township of Mansfield. Residents of all ages are encouraged to take time this month to recognize our older citizens as vital contributors who enhance every aspect of our community.

Mr. Misertino made a motion to approve the passage of Resolution 2014-63, which was seconded by Mrs. Kocher.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

**RESOLUTION # 2014-64
LIEN REDEMPTION**

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 9th April, 2014 that payment is to be made to the certificate holder as noted:

US Bank-Cust For Pro Cap III, LLC
US Bank TLSC
2 Liberty Place
50 S. 16th Street, Suite 1950
Philadelphia, PA. 19102

Block 1303, Lot 07
Certificate # 2013-09
\$ 1,219.85

Mr. Clancy made a motion to approve the passage of Resolution 2014-64, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD
SUPPORTING THE CLICK IT OR TICKET MOBILIZATION
OF MAY 19-June 1, 2014
2014-65**

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death and serious injury in a motor vehicle crash; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 19 to June 1, 2013 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate statewide by 1% from 91% to 92% through a targeted two-week seat belt enforcement campaign from May 19 to June 1, 2014; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby declares its support for the Click It or Ticket seat belt mobilization program both locally and nationally from May 19 to June 1, 2014, pledges to increase awareness of the mobilization and the benefits of seat belt use and accepts a grant for the same in the amount of \$4000.00 to be used for 80 hours of overtime enforcement (at \$50/hour) during the two week mobilization period.

Mrs. Kocher made a motion to approve the passage of Resolution 2014-65, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2014 -66
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Ms. Tracey Miller paid via credit card on March 18, 2014 the amount of \$ 130.00 for two (2) children to participate in soccer with the Township of Mansfield, County of Warren,

WHEREAS, it has been determined that one (1) child is too young to participate,

NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Ms. Tracey Miller.

Mr. Misertino made a motion to approve the passage of Resolution 2014-66, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

EXECUTIVE SESSION

Mr. Watters made a motion to enter into Executive Session at 7:37pm, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

Return from Executive Session at 8:21pm.

Roll Call: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

ORDINANCE:

First Reading

ORDINANCE 2014 -08

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE
OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 296 TITLED
“STREETS AND SIDEWALKS” TO CREATE A NEW ARTICLE VI “SIDEWALKS”
SECTION 296-30 TITLED “MAINTENANCE OF SIDEWALKS”.**

BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Chapter 296 of the Code of the Township is hereby amended as follows:

Section 1

**Article VI
Section 296-30
Maintenance of Sidewalks**

Section 296-30.1 Duties of Owner.

The owner, occupant or tenant on any street in the Township in which a sidewalk passes shall be responsible for the repair, maintenance and replacement of the sidewalk on the property and shall keep same free from snow, ice, grass, weeds, limbs and branches of trees or shrubs, debris and other obstructions.

Section 296-30.2 Snow and Ice Removal.

Snow and ice removal from sidewalks shall be govern by Section 296, Subsections 18 through 21.

Section 296-30.3 Repair of Sidewalk.

If the Township or its authorized agent determines that a sidewalk is in such state of disrepair that it requires repair, maintenance, and/or replacement and an owner or tenant occupant fails to take such steps to repair, maintain and/or replace, the owner or tenant shall be given 60 days from the date of written notice to make the necessary repair, maintenance or repair. If owner or tenant occupant fails to address the reason for the notice within 60 days, the Township may take all necessary actions to issue a violation and/or to repair, maintain or replace the sidewalk without further notice. Any owner, tenant or occupant may within 15 days of receipt of notice from the Township, make a written application for an extension of time to repair, maintain or replace which may be granted for a good cause shown.

Section 296-30.4 Trimming of Trees and Shrubs.

- A. All trees or shrubs planted on private property that stand along public sidewalks and public streets, the branches of which extend over any part of a public sidewalk or a public street, shall be trimmed by the owner, occupant or tenant of the premises that directly front upon that part of the sidewalk or street along which the trees or shrubs stand. Such owner, occupant or tenant shall keep the branches and limbs of such trees or shrubs trimmed and cut so that no limb or branch shall overhang the public sidewalk or the public street at a height of less than 8 feet above ground level.
- B. If the Township or its authorized agent determines that the owner or tenant occupant of a property has failed to trim his/her/its trees or shrubs and are overhanging a public sidewalk or the public street, the owner or tenant shall be given 60 days from the date of the notice to trim the overhanging trees or shrubs. If owner or tenant occupant fails to address the reason for the notice within 60 days, the Township may take all necessary actions to issue a violation and/or to trim the overhanging trees or shrubs without further notice. Any owner, tenant or occupant may within 15 days of receipt of notice from the Township, make a written application for an extension of time to repair, maintain or replace which may be granted for a good cause shown.
- C. The owner or tenant occupant is responsible for any trees or shrubs located on his/her/its property regardless of whether these trees or shrubs are located within any municipal, county or state road right-of-way.

Section 296-30.5 Cost to become a lien.

The Costs and expenses incurred by the Township for the repair, maintenance and/or replacement of the sidewalks or trimming of overhanging trees shall be ascertained by the Committee and certified to be assessed by the Township and such expense shall be added to and form a part of the Township's taxes next to be levied and assessed on the lot or lots and land in front of which the sidewalk passes. The costs and expenses levied by the Township may include all costs related to postage, publication or legal fees incurred by the Township to notify owner or tenant occupant.

Section 296-30.6 Violations and Penalties.

Any owner or tenant occupant who violates the above sections of this Article shall, upon conviction thereof, be punished by a fine not exceeding \$250 together with the cost of prosecution incurred by the Township of Mansfield.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4 - Effective Date

This Ordinance shall take effect as required by law.

Mr. Clancy made a motion to approve the introduction of Ordinance 2014-08 and requested that the public hearing be held on April 23, 2014, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

**2014-09
CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Township Committee of the Township of Mansfield in the County of Warren finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Township Committee hereby determines that a 1.5 % increase in the budget for said year, amounting to \$ 60,250.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Mansfield, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$140,583.79, and that the CY 2014 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the

Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Watters made a motion to approve the introduction of Ordinance 2014-09 and requested that the public hearing be advertised to held on April 23, 2014 at 8pm, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

INTRODUCTION OF RESOLUTION 2014-66

2014 BUDGET

Mr. Ferry went through the 2014 budget with the Township Committee and that there is a \$3.78 increase from 2013. Mr. Ferry explained the CAP ordinance to the Township Committee.

Mr. Watters made a motion to approve the introduction of the 2014 Budget, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski appointed Alan Typinski to Land Use board as open alternate.

PUBLIC PORTION: (3 minute limit per person)

Scott Minter asked about the Executive Session minutes and their approval. Mr. Minter asked how does the Township provide for the maintenance of the properties that we own.

Mr. Watters explained that the maintenance will be done through the general budget.

Mr. Watters explained that the Township is trying to get the funding from Municipal Charitables for the purchase and the repairs.

Ms. Griggs asked about the three minute limit and if the time stops if the Township Committee answers the questions.

Ms. Griggs asked about the Snow removal plan.

Mayor Tomaszewski stated that the Clerk has a copy of the plan.

Ms. Griggs asked what the budgeted cost for the ice deterrent that was tested and if this is included in the budget.

Mayor Tomaszewski stated that we are going to look at a number of different ways of removal.

Ms. Griggs asked if the plan will be adopted as an ordinance.

Mayor Tomaszewski stated that he is unsure that this will be adopted as an ordinance.

Brian McKevitt 29 Blau Road, asked about 2014-08 the planted items close to sidewalks are the Township Employees cutting back the trees.

Mr. Wenner explained that this ordinance covers the sidewalks and this will not apply to the trees that overhang.

Don Profrock, Diamond Hill, stated that the people that live on Clairemont are now responsible for the sidewalks, the issue is with space for the roots and there should be a clause included diameter of the mature tree and make it half of the radius.

Dawn Smith, 324 Mount Bethel Road, asked that the Township Committee give more time for Ordinances to be advertised.

The Township Committee stated that they would look into the advertising.

Mrs. Fascenelli asked that the bin be moved to a different location and would like for the bin to be located at the Municipal Garage. Mrs. Fascenelli asked Mr. Ward and he was ok with having the bin moved.

COMMITTEE PERSON COMMENTS:

Mrs. Kocher asked that the agenda include old business.

Mr. Watters stated that the agenda included the Committee Person comments so that the Committee members could bring items of interest to the meeting.

Mayor Tomaszewski made a motion to adjourn at 8:59pm, which was carried by all.